IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 14039 of 1997

Between:

K.Swameshwar Goud,

S/o. Laxminarasimlu Goud,
R/o. 1-1-2/A3, Vinayaknagar,
Nizamabad.

..... PETITIONER

AND

1 The Govt. of Andhra Pradesh,

rep. by its Secretary (Home),

Secretariat Building, Hyderabad.
2 The Secretary to Govt. of Andhra Pradesh,

Legislative Affairs & Justice
Secretariat Building,

Hyderabad.
3 The District Magistrate & Collector,
Nizamabad.
4 The District & Sessions Judge,

Nizamabad.

5 Smt. K.Saralareddy W/o. K.Mahender Reddy,
Prosecutor, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly in the nature of Mandamus Directing the Respondent to consider the panel which was sent by the 2nd Respondent in the month of August, 1995 for making appointment to the Public Prosecutor for the District and Sessions Court, Nizamabad by duly declaring the action of the Government in returning the panel and calling for a fresh panel by the Government without any valid reason and also sending a fresh panel of 9 names, adding the 6 names to the first panel by the 2nd respondent and appointment of respondent No. 5 as Public Prosecutor in G.O.Ms.No. 82 Law (L.A. & J Courts-C) Department dated.11-3-1997 by the Respondent No.4 declaring as arbitrary, illegal and violative of Article 14 & 16 of the Constitution of India and contrary to the Section 24 of the Criminal Procedure Code and also Memo No. 2571/Cts, C/A2/96-1 dt.2.7.1996 & G.O.Ms.No. 24 dt. 24-12-1996 issued by the respondent No.4 and set aside the appointment of Respondent No. 5 as Public Prosecutor in G.O.Ms.No.82 Law (L.A. & J Court C) Department dated. 11-3-1997.

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Counsel for the Petitioner :Sri N.BHASKER RAO

Counsel for the Respondents 1 to 4: Govt. Pleader for Home

Counsel for Respondent No.5 Sri C.V.MOHAN REDDY,

Advocate.

The Court made the following :

ORDER: (Per Hon’ble the Chief Justice)

As per note of the Registry, writ petition has been rendered infructuous because of subsequent events. Therefore, we proceed to dismiss the writ petition as infructuous with liberty reserved to the petitioner to avail remedy in accordance with law in case he is aggrieved that the writ petition has not been rendered infructuous.

DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

01-10-2004

bsc

To

1 The Secretary (Home),

The Govt. of Andhra Pradesh,

Secretariat Building, Hyderabad.

2 The Secretary to Govt. of Andhra Pradesh,

Legislative Affairs & Justice
Secretariat Building,

Hyderabad.

3 The District Magistrate & Collector,
Nizamabad.

4 The District & Sessions Judge,
Nizamabad.

5. 2 CCs to Govt. Pleader for Home, High Court buildings,

Hyderabad (OUT)

6. 2CD copies